

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**COLLEEN M. MCAULIFFE**

vs.

**CASE NUMBER: 5:09-CV-1428 (FJS/VEB)**

**MICHAEL J. ASTRUE, Commissioner of Social Security Administration**

**Decision by Court.** This action came to hearing before the Court.  
The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That the Report and Recommendation of Magistrate Judge Victor E. Bianchini is ACCEPTED in its entirety, Plaintiff's motion for judgment on the pleadings is GRANTED, Defendant's motion for judgment on the pleadings is DENIED, and the Commissioner's decision is REVERSED, and the case is REMANDED to the Commissioner for calculation of benefits. Judgment is hereby entered in favor of Plaintiff Colleen M. McAuliffe.

All of the above pursuant to the order of the Honorable Judge Frederick J. Scullin, Jr., dated the 9<sup>th</sup> day of February, 2011.

DATED: February 11, 2011

  
Clerk of Court

s/

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Joanne Bleskoski  
Deputy Clerk